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Supreme Court of the United States

OCTOBER TERM 1943

No. 766

HUDSON & MANHATTAN RAILROAD COMPANY,
Appellant,

vs.

CITY OF JERSEY CITY and FRED M. VINSON, Economic Stabilization Director, by CHESTER BOWLES, Price Administrator,
Appellees.

MOTION BY APPELLANT HUDSON & MANHATTAN RAILROAD COMPANY FOR LEAVE TO FILE A PETITION FOR REHEARING OF THIS COURT'S ORDER OF APRIL 3, 1944, DISMISSING THE APPEAL HEREIN

JOHN F. FINERTY
JOHN E. BUCK
THOMAS A. HALLERAN
Counsel for appellant Hudson & Manhattan Railroad Company

Supreme Court of the United States

OCTOBER TERM 1943

HUDSON & MANHATTAN RAILROAD COMPANY, *Appellant*, *vs.* CITY OF JERSEY CITY and FRED M. VINSON, Economic Stabilization Director, by CHESTER BOWLES, Price Administrator, *Appellees*.	No. 766

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To the Honorable the Supreme Court of the United States:

Hudson & Manhattan Railroad Company, appellant in the above proceeding, respectfully moves this Court for an order granting said appellant leave to file, within fifteen (15) days after the entry of such order, a petition for rehearing of the order of this Court of April 3, 1944, granting the motion dismissing the above appeal.

The grounds upon which such motion is made are as follows:

The above appeal was an appeal by appellant Hudson & Manhattan Railroad Company from an order of the District Court of the United States for the District of New Jersey granting an interlocutory injunction against two

orders of the Interstate Commerce Commission which permitted appellant, on certain conditions, to increase its local interstate fare on its downtown line. This Court dismissed said appeal on April 3, 1944, apparently on the ground that said appeal had become merged with the appeal in No. 767, which was a joint appeal by the Interstate Commerce Commission and Hudson & Manhattan Railroad Company from the final order and decree of said District Court perpetually enjoining such two orders of the Interstate Commerce Commission. Until this Court had decided the appeal in No. 767, appellant could not determine whether it would be proper to file a petition for rehearing of the order dismissing the appeal herein, since such petition would only be warranted should this Court reverse the order of the District Court granting a permanent injunction. On May 29, 1944, this Court in No. 767 reversed the order of the District Court granting such permanent injunction. Appellant now desires to file a petition for rehearing of the order of this Court granting the motion dismissing the appeal herein, but will be unable to do so within the time specified by Rule 33 of the Revised Rules of this Court unless this Court shall grant it leave to file such a petition.

WHEREFORE, appellant respectfully prays that the foregoing motion be granted.

Respectfully submitted,

JOHN F. FINERTY
JOHN E. BUCK
THOMAS A. HALLERAN
Counsel for appellant Hudson & Manhattan Railroad Company